

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES**

**CRIMINAL ACTION**

**v.**

**JERMAINE COLEMAN**

**NO. 15-543**

**ORDER**

**AND NOW**, this 3rd day of March, 2016, upon consideration of defendant's *pro se* Motion to Dismiss the Indictment for Violation of the Double Jeopardy Clause of the Fifth Amendment (Doc. No. 7, filed December 28, 2015), the Government's Response to the Defendant's Motion to Dismiss the Indictment for Violation of the Double Jeopardy Clause (Doc. No. 10, filed January 14, 2016), the Government's Supplemental Response to the Defendant's Motion to Dismiss the Indictment for Violation of the Double Jeopardy Clause (Doc. No. 19, filed February 5, 2016), and defendant's *pro se* Reply Memorandum in Further Support of Defendant's Motion to Dismiss the Indictment for Violation of the Double Jeopardy Clause (Doc. No. 21, filed February 24, 2016), for the reasons set forth in the accompanying Memorandum dated March 3, 2016, **IT IS ORDERED** that defendant's Motion to Dismiss the Indictment for Violation of the Double Jeopardy Clause of the Fifth Amendment is **DENIED**.<sup>1</sup>

---

<sup>1</sup> Any notice of appeal of this Order to the United States Court of Appeals for the Third Circuit must be filed within fourteen (14) days of the date of this Order pursuant to Federal Rule of Appellate Procedure 4(b)(1)(A). "The courts of appeals . . . shall have jurisdiction of appeals from all final decisions of the district courts of the United States . . . ." 28 U.S.C. § 1291. "[P]retrial orders rejecting claims of former jeopardy . . . constitute 'final decisions' and thus satisfy the jurisdictional prerequisites of § 1291." *Abney v. United States*, 431 U.S. 651, 662 (1977).

**IT IS FURTHER ORDERED** that, in light of the Court's ruling on defendant's Motion to Dismiss the Indictment, defendant's letter/request dated February 22, 2016, for oral argument on the Motion is **DENIED**.

**BY THE COURT:**

/s/ **Hon. Jan E. DuBois**

---

**DuBOIS, JAN E., J.**